IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3970 of 2005

Between:

Allam Ramaiah, S/o. Late Venkata Subbaiah,
R/o. Kaluvayi Village and Mandal, Nellore District.

... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur Region, Nellore District.
3 The Mandal Revenue Officer, Ananthasagaram Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.3 in issuing Proceedings Vide Rc.B.274/04, dt. 29-9-2004 and also consequential orders of the respondents in so far as the serial No.7 of the order, as illegal, arbitrary, unjust and against the principles of natural justice, and consequently setting aside the said order in so far as the petitioners land is concerned in Serial No.7 regarding the land in Sy.No. 305-B of Uppalpadu village, Ananthasagaram (M), Nellore District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.JAGADEESWAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed aggrieved by the order passed by the third respondent-Mandal Revenue Officer, dated 29-09-2004 resuming the land in question to the Government under Section 4(a) of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977.

Against the said order an alternative remedy is available under the Act by way of appeal. Admittedly, the petitioner has already preferred such an appeal and the same is pending before the second respondent-Revenue Divisional Officer. Since, statutory appeal is pending before the second respondent, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the second respondent- Revenue Divisional Officer to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Till such time, *status quo* obtaining as on today as to the nature and possession of the land in question shall be maintained.

The writ petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 02-03-2005

LSK

ASSISTANT REGISTRAR

To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur Region, Nellore District.
3 The Mandal Revenue Officer, Ananthasagaram Mandal, Nellore District.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.
(O.U.T.)

5 Two C.D. copies.